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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Criminal Justice
Virginia Administrative Code (VAC) citation	6VAC20-172
Regulation title	Regulations Relating to Private Security Services
Action title	Private Security Services Regulations
Document preparation date	March 14, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this regulatory action is a comprehensive review and amendment of existing regulations 6 VAC 20-171. Due to the number of amendments needed, DCJS will promulgate these regulations under a new number, 6 VAC 20-172 to replace 6 VAC20-171. This review is based on legislative actions that require development of regulations for explosives and narcotics detector canine handler, examiner and teams and on a comprehensive review to amend and revise the rules mandating and prescribing standards, requirements, and procedures that serve to protect the citizens of the Commonwealth from unqualified, unscrupulous and incompetent persons engaging in the activities of private security services.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority to review, amend or revise regulations relating to private security services is found in 9.1-141 of the Code of Virginia. Additionally, this review is in accordance with Executive Order 21.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

While all areas of the regulations will be subject to this comprehensive review, the substance of this review will be to include the explosives and narcotics detector canine handler, examiner and team requirements as well as focus on reevaluating the existing licensing, registration, certification and training requirements and procedures.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

Meetings have been held to establish the base requirements for the detector canine credentials and procedures as well as an on-going comprehensive review of application processing procedures within the Section. Any alternatives identified during this review that are less burdensome and intrusive and achieve the essential regulatory purpose will be considered.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The regulations will directly impact any family who uses private security services in terms of the assurance of competent registrants, as well as having a venue to register complaints about any private security personnel to include any registrant, training school, or private security services business operating in the Commonwealth of Virginia. The regulations directly impact the family by providing a regulatory program that protects the public from unscrupulous, incompetent or unqualified persons engaging in the activities of private security services, and by setting standards and procedures that enhance professionalism and the quality of services by the private security profession.